

**BEFORE**

**THE PUBLIC SERVICE COMMISSION OF**

**SOUTH CAROLINA**

**DOCKET NO. 2019-260-E**

**IN RE:**

**Charles Hawkins,**  
**Complainant/Petitioner,**

**v.**

**Duke Energy Carolinas, LLC,**  
**Defendant/Respondent.**

**Duke Energy Carolinas, LLC's**  
**Answer and Motion to Dismiss**

Pursuant to S.C. Code Ann. § 58-27-1990, S.C. Code Ann. Regs. 103-829 and 103-352, and applicable South Carolina law, respondent, Duke Energy Carolinas, LLC (“DEC” or the “Company”) hereby answers the complaint filed in the above-referenced proceeding and moves the Public Service Commission of South Carolina (the “Commission”) to dismiss the above-captioned matter on the merits because the Complaint contains no allegation that DEC has violated any applicable statute or regulation for which the Commission can grant relief, and a hearing in this case is not necessary for the protection of substantial rights. The Company requests confidential treatment of Exhibit A, pursuant to S.C. Code Ann. Reg. 103-804(S)(2), on the basis that it contains customer-specific account information. The Company also requests that the filing deadlines for all parties and the hearing date be held in abeyance until this motion is resolved. DEC shows the following:

## **I. Background**

This is the fourth complaint filed by Mr. Hawkins in the past twelve months; the three prior complaints were each dismissed. The underlying facts related to this Complaint include customer-specific information, which is set forth in the affidavit of Pam Howze, Consumer Affairs Specialist at DEC, attached here to as Confidential Exhibit A. The Company requests confidential treatment of this exhibit, pursuant to S.C. Code Ann. Reg. 103-804(S)(2), on the basis that it contains customer-specific account information.

## **II. Answer and Motion to Dismiss**

DEC generally denies the allegations contained in the Complaint, and notes that Ms. Howze has been in regular contact with Mr. Hawkins regarding his payment obligations. The Company requests that this matter be dismissed because the Complaint filed by Mr. Hawkins contains no allegation that DEC has violated any applicable statute or regulation for which the Commission can grant relief and, pursuant to S.C. Code Ann. § 58-27-1990, a hearing in this case is not necessary in the public interest or for the protection of substantial rights.

## **CONCLUSION**

The Complaint filed in this proceeding contains no allegation that DEC violated any applicable statute or regulation for which the Commission can grant relief, and a hearing in this case is not necessary for the protection of substantial rights. Therefore, pursuant to S.C. Code Ann. § 58-27-1990, this matter should be dismissed.

WHEREFORE, DEC moves the Commission to dismiss this matter with prejudice; requests confidential treatment of Exhibit A; requests that the Commission hold the testimony deadlines for all parties and the hearing in abeyance pending resolution of this motion; and requests such other relief as the Commission deems just and proper.

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Attorneys for Duke Energy Carolinas, LLC

Columbia, South Carolina  
August 19, 2019

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**EXHIBIT A**  
**AFFIDAVIT OF PAM HOWZE**  
**CONSUMER AFFAIRS SPECIALIST**  
**DUKE ENERGY CAROLINAS, LLC**

**CONTAINS CONFIDENTIAL, CUSTOMER INFORMATION**  
**FILED UNDER SEAL**